



Crl.O.P.No.27432 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 379 of I.P.C., r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.905 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are alleged to have transported $\frac{1}{4}$ unit of river sand illegally. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent police submitted that the quantity of river sand involved is $\frac{1}{4}$ unit. He further submitted that there are two previous cases pending against the second petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5.In view of the rehabilitation undertaken under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities, this Court is of the opinion that **the petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) jointly as non refundable deposit to the credit of the District Revenue Officer, Villupuram District**, without prejudice to their rights and contentions before the trial Court.

6.Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, **the petitioners are directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) jointly as non refundable deposit to the credit of the District Revenue Officer, Villupuram District**, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate – I, Villupuram District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**



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with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) jointly as non refundable deposit to the credit of the District Revenue Officer, Villupram District.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.12.2023

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